

1 TRIA BEAUTY, INC.,

2 Plaintiff, No. C 10-5030 RS

3 v.

4 RADIANCY, INC., ORDER RE BRIEFING OF MOTION
5 Defendant. TO STRIKE

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8 On April 5, 2012, Kimberly Kardashian, filed a defensive motion for summary judgment,
9 contending that the counterclaims brought against her by Radiancy, Inc. lack merit. The same day,
10 Radiancy filed an offensive motion for partial summary judgment on its counterclaims against Tria
11 Beauty, Inc. Both motions were set for hearing on May 10, 2012.

12 On April 27, 2012, Radiancy filed a second motion for partial summary judgment, noticed
13 for hearing on June 7, 2012. Although the notice of the motion asserts that Radiancy seeks partial
14 judgment as to its own counterclaims, that appears to have been mistakenly copied from its earlier
15 motion; the second motion is defensive in nature, and contends that Tria's damages claims are not
16 supported by competent evidence.

17 As a matter of routine scheduling practice, a Clerk's Notice issued consolidating the motions
18 for hearing on the June 7, 2012 date. In the interim, however, Tria has filed a motion to strike
19 Radiancy's second motion for summary judgment, and a motion under Civil Local 6-3 seeking

1 resolution of the motion to strike prior to the time it would otherwise be required to file substantive
2 opposition to the Radiancy's second summary judgment motion.

3 Good cause appearing, it is ordered:

4 (1) In the event Radiancy's second motion for summary judgment is not stricken, substantive
5 opposition thereto shall be filed on or before May 24, 2012, with any reply filed within one week
6 thereafter.

7 (2) Radiancy shall file any opposition to Tria's motion to strike no later than May 7, 2012.

8 That motion will then be taken under submission without further briefing or oral argument.

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10 IT IS SO ORDERED.

11 Dated May 2, 2012



12 RICHARD SEEBORG
13 UNITED STATES DISTRICT JUDGE